

## Office of the Secretary, Interior

## § 35.2

(a) The issuance of a compliance order by the Federal Inspector pursuant to section 11 of ANGTA; or

(b) The commencement of a civil action for appropriate relief, including a permanent or temporary injunction, or a civil penalty not to exceed \$25,000 per day; or

(c) By any other means authorized by law.

### PART 35—ADMINISTRATIVE REMEDIES FOR FRAUDULENT CLAIMS AND STATEMENTS

#### Sec.

- 35.1 Basis and purpose.
- 35.2 Definitions.
- 35.3 Basis for civil penalties and assessments.
- 35.4 Investigation.
- 35.5 Review by reviewing official.
- 35.6 Prerequisites for issuing a complaint.
- 35.7 Complaint.
- 35.8 Service of complaint.
- 35.9 Answer.
- 35.10 Default upon failure to file an answer.
- 35.11 Referral of complaint and answer to the ALJ.
- 35.12 Notice of hearing.
- 35.13 Parties to the hearing.
- 35.14 Separation of functions.
- 35.15 Ex parte contacts.
- 35.16 Disqualification of reviewing official or ALJ.
- 35.17 Rights of parties.
- 35.18 Authority of the ALJ.
- 35.19 Pre-hearing conferences.
- 35.20 Disclosure of documents.
- 35.21 Discovery.
- 35.22 Exchange of witness lists, statements and exhibits.
- 35.23 Subpoenas for attendance at hearing.
- 35.24 Protective order.
- 35.25 Fees.
- 35.26 Form, filing and service of papers.
- 35.27 Computation of time.
- 35.28 Motions.
- 35.29 Sanctions.
- 35.30 The hearing and burden of proof.
- 35.31 Determining the amount of penalties and assessments.
- 35.32 Location of hearing.
- 35.33 Witnesses.
- 35.34 Evidence.
- 35.35 The record.
- 35.36 Post-hearing briefs.
- 35.37 Initial decision.
- 35.38 Reconsideration of initial decision.
- 35.39 Appeal to the Secretary of the Interior.
- 35.40 Stays ordered by the Department of Justice.
- 35.41 Stay pending appeal.

35.42 Judicial review.

35.43 Collection of civil penalties and assessments.

35.44 Right to administrative offset.

35.45 Deposit in Treasury of United States.

35.46 Compromise or settlement.

35.47 Limitations.

AUTHORITY: 5 U.S.C. 301; 31 U.S.C. 3801-3812.

SOURCE: 53 FR 4160, Feb. 12, 1988, unless otherwise noted.

#### § 35.1 Basis and purpose.

(a) *Basis*. This part implements the Program Fraud Civil Remedies Act of 1986, Public Law 99-509, sections 6101-6104, 100 Stat. 1874 (Oct. 21, 1986), to be codified at 31 U.S.C. 3801-3812. 31 U.S.C. 3809 of the statute requires each authority head to promulgate regulations necessary to implement the provisions of the statute.

(b) *Purpose*. This part:

(1) Establishes administrative procedures for imposing civil penalties and assessments against persons who make, submit, or present, or cause to be made, submitted, or presented, false, fictitious, or fraudulent claims or written statements to authorities or to their agents, and

(2) Specifies the hearing and appeal rights of persons subject to allegations of liability for such penalties and assessments.

#### § 35.2 Definitions.

As used in this part:

(a) *ALJ* means an administrative law judge in the Department of the Interior appointed pursuant to 5 U.S.C. 3105 or detailed to the Department of the Interior pursuant to 5 U.S.C. 3344.

(b) *Benefit* means, in the context of "statement", anything of value, including but not limited to any advantage, preference, privilege, license, permit, favorable decision, ruling, status, or loan guarantee.

(c) *Claim* means any request, demand, or submission—

(1) Made to the Department of the Interior for property, services, or money (including money representing grants, loans, insurance, or benefits);

(2) Made to a recipient of property, services, or money from the Department of the Interior or to a party to a contract with the Department of the Interior—